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From: Julie Ann Carter
To: Cameron Johnson; Carl Kendell; Chris Hansen; Dana Dean; Daron Haddoc...
Date: 3/21/2012 2:45 PM
Subject: 2012-012 C/025/0005-NOV10092 Alton Coal
Attachments: 2012-012_20120321_OrderOfDismissal.pdf

Attached is:

-Order of Dismissal, filed March 21, 2012.

Pursuant to the Stipulated Settlement between the Utah Division of Oil, Gas and Mining and Alton Coal Development, LLC, filed in this matter on March 15, 2012, and for good cause shown, IT IS HEREBY ORDERED that this matter is dismissed with prejudice. Each party shall bear its own costs and attorneys' fees.

Julie Ann Carter
Utah Oil, Gas and Mining
1594 W North Temple, Ste 1210
PO Box 145801
Salt Lake City, UT 84114
Ph: (801) 538-5277
Fx: (801) 359-3940
juliecarter@utah.gov

Please note: Beginning Tuesday, September 6, 2011, our agency hours will be 8am-5pm, Monday-Friday.

FILED

MAR 21 2012

BEFORE THE BOARD OF OIL, GAS, AND MINING

DEPARTMENT OF NATURAL RESOURCES

**SECRETARY, BOARD OF
OIL, GAS & MINING**

STATE OF UTAH

In the Matter of the Request for Agency Action :
of Alton Coal Development, LLC, for Review :
of Notice of Violation 10092, Coal Hollow :
Mine :

ORDER OF DISMISSAL

Docket No. 2012-012

Cause No. C/025/0005-NOV10092

Pursuant to the Stipulated Settlement between the Utah Division of Oil, Gas and Mining and Alton Coal Development, LLC, filed in this matter on March 15, 2012, attached hereto as Exhibit A, and for good cause shown,

IT IS HEREBY ORDERED that this matter is dismissed with prejudice. Each party shall bear its own costs and attorneys' fees.

ISSUED this 21st day of March, 2012.

UTAH BOARD OF OIL, GAS AND MINING


James T. Jensen, Chairman

CERTIFICATE OF SERVICE

I hereby certify that I caused a true and correct copy of the foregoing ORDER OF DISMISSAL to be mailed, postage prepaid, this 21ST day of March, 2012, to the following:

Steven F. Alder
Assistant Attorney General
Utah Division of Oil, Gas and Mining
1594 West North Temple, Suite 300
Salt Lake City, Utah 84116

Denise A. Dragoo, Esq.
James P. Allen, Esq.
Snell & Wilmer, LLP
15 West South Temple, Suite 1200
Salt Lake City, Utah 84101
Counsel for Alton Coal Development, LLC

_____

EXHIBIT A

FILED

BEFORE THE BOARD OF OIL, GAS, AND MINING

MAR 15 2012

DEPARTMENT OF NATURAL RESOURCES

**SECRETARY, BOARD OF
OIL, GAS & MINING**

STATE OF UTAH

In the Matter of the Request for Agency Action
of Alton Coal Development, LLC, for Review
of Notice of Violation 10092, Coal Hollow
Mine

**STIPULATED SETTLEMENT AND
REQUEST FOR ORDER OF
DISMISSAL**

Docket No. 2012-012


Cause No. C/025/0005-NOV10092

The Utah Division of Oil, Gas and Mining (the "Division") and Alton Coal Development, LLC ("Alton") have reached an agreement to settlement the above entitled matter which is attached hereto and request the Board of Oil, Gas and Mining (the "Board") to enter an order dismissing this matter with prejudice.

ALTON COAL DEVELOPMENT, LLC

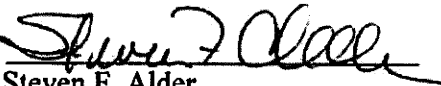
UTAH DIVISION OF OIL, GAS & MINING

BY:


SNELL & WILMER, L.L.P.
Denise A. Dragoo
James P. Allen
15 West South Temple
Suite 1200
Salt Lake City, Utah 84101
Telephone: (801) 257-1900

DATE: March 14, 2012

BY:


Steven F. Alder
Assistant Utah Attorney General
1594 West North Temple St. #300
Salt Lake City, Utah 84118
Telephone: (801) 538-5348

DATE: 3/15/12

STIPULATED SETTLEMENT

The Division of Oil, Gas and Mining (Division) and Alton Coal Development LLC in order to settle the pending Request for Agency Action regarding the Notice of Violation 10092 for the Coal Hollow Mine and to clarify the terms of Permit Condition #6, Special Conditions Attachment A, Coal Hollow Mine Permit C/025/0005, dated November 8, 2010; hereby agree as follows.

1. "Special Permit Condition #6" reads as follows:

"Satisfactory compliance with the Alton Sage-Grouse Habitat Protection plan is required. Alton Coal Development, LLC, ("ACD") will use the best technology currently available to achieve the objectives of the plan in order to minimize the disturbances and adverse impacts to the Sage-Grouse and related habitat and to enhance those resources where practicable. ACD will cooperate with the Division in consultation with state and federal wildlife agencies to develop reasonable practices and methods as are determined to be necessary to implement the plan and to measure success and achieve the goals of the plan.

2. Satisfactory compliance as required by this condition shall mean and is limited to ACD's compliance with the Alton Sage-Grouse Habitat Protection Plan (MRP, Appendix 3-5) as approved by the Division in consultation with state and federal wildlife agencies and incorporated into the Mining and Reclamation Plan for Mine Permit # C/025/0005 ("MRP"). Pursuant to MRP, Appendix 3-5, ACD has agreed to create a 1700 acre corridor for Sage-Grouse migration and to treat and reclaim this area to be credited as full habitat restoration for surface disturbance associated with the permit. The Special Condition #6 shall not be construed to require conditions separate from the approved MRP.


3. The Division and Alton are in the process of finalizing approval of an Addendum to 3-5 of the MRP. Upon approval, the Division will issue written notice


confirming that terms of Special Permit Condition, #6 have been satisfied in full and that the Alton Sage-Grouse Habitat Protection Plan as approved will govern thereafter. The Deficiency List Task No. 4000. Section 1.B. Habitat Restoration is amended to remove the recommendation of 7 acres of habitat restoration for each acre of disturbance.

The foregoing **STIPULATED SETTLEMENT** is approved by signature of counsel as of the date shown below.

ALTON COAL DEVELOPMENT, LLC

UTAH DIVISION OF OIL, GAS & MINING

BY: 
SNELL & WILMER, L.L.P.
Denise A. Dragoo
James P. Allen
15 West South Temple
Suite 1200
Salt Lake City, Utah 84101
Telephone: (801) 257-1900

BY: 
Steven F. Alder
Assistant Utah Attorney General
1594 West North Temple St. #300
Salt Lake City, Utah 84118
Telephone: (801) 538-5348

DATE: March 14, 2012

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